

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM No. M-30605 of 2016
Date of decision: 14.12.2016**

Ashwani Kumar and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Deepak Kaushal, Advocate,
for the petitioners.

Mr. A.P.S. Gill, AAG, Punjab.

Mr. Harish Goyal, Advocate,
for respondent No.2.

Ritu Bahri, J.

Quashing of FIR No. 103 dated 26.09.2015, under Sections 458/506/34 IPC, registered at Police Station, Kotwali Nabha, District Patiala (Annexure P-1) is sought on the basis of compromise dated 25.08.2016 (Annexure P-2).

The F.I.R was registered on the basis of statement made by Kapil Sharma-respondent No.2 to the effect that her marriage was solemnized with Deepti Sharma and out of this wedlock, two children were born. Due to some domestic dispute, his wife had got registered a FIR against him. On 26.09.2015, at about 12:45 A.M., Ashwani Kumar and Bablu entered in their house and forcibly tried to take his children along with them. Ashwani Kumar claimed himself to be maternal uncle of complainant' wife. Upon this, a scuffle took place between the complainant

and the accused. Thereafter, when they tried to run away from the spot, Ashwani Kumar got struck with the gate of the house and sustained injuries on his face. Second person namely, Bablu fell into the drain and received injuries. Thereafter, the complainant party caught hold of them and reported the matter to the police. In this background, the FIR was registered.

During the pendency of the trial, with the intervention of respectable persons, the matter has now been amicably resolved between the parties vide compromise deed dated 25.08.2016 (Annexure P-2).

In compliance with the orders dated 01.09.2016 passed by this Court, parties have got recorded their statements before the trial Court/Illaq Magistrate. Report from the Judicial Magistrate Ist Class, Nabha, has been received in this regard. As per report, Kapil Sharma-respondent No.2 (complainant) made his statement on 27.09.2016 to the effect that with the intervention of respectable persons, he has compromised the matter with accused-petitioners out of his own free will and without any coercion or pressure. He has no objection if, the aforesaid FIR is quashed. Joint statement of Ashwani Kumar and Bablu Ram-petitioners was also recorded to the same effect. In view of separate statements given by the parties, the court is satisfied that the compromise is valid and genuine one.

Consequently, in view of the status report and the judgment of the Hon'ble Supreme Court in the case of **Madan Mohan Abbot vs. State of Punjab 2008(2) RCR (Criminal) 429**, the law laid down by the Full Bench of this Court in the case of **Kulwinder Singh and Ors. vs. State of Punjab and another 2007(3) RCR (CrL.) 1052**, this Court is of the view that no useful purpose would be served in prolonging the litigation.

Accordingly, FIR No. 103 dated 26.09.2015, under Sections

458/506/34 IPC, registered at Police Station, Kotwali Nabha, District Patiala, is quashed with all consequential proceedings arising therefrom qua the petitioners.

The petition stands disposed of accordingly.

14.12.2016
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No